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REMARKS

Claims 5-10, 15 and 16 are all the claims pending in the application. Applicant has canceled claims 17 and 18 without prejudice or disclaimer. Applicant respectfully traverses the prior art rejections based on the following discussion.

I. The Specification Objection and the 35 U.S.C. Section 112, First Paragraph Rejection

In response to the Objection and the 35 U.S.C. Section 112, First Paragraph Rejection, Applicant, as indicated above, has canceled claim 17 consistent with the Examiner's comments.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objection and rejection.

II. The Prior Art Rejections

Claims 5-10 and 15-18 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Klann ("Klann")(U.S. Patent No. 6,966,210 B2).

A. The Rejection Based on Klann

Regarding claim 5, Klann fails to disclose, teach or suggest the features of independent claim 5, and related dependent claims 6-10 and , including a rectangular recess being defined by the tool head and axially extending into the tool head in a first direction along the predetermined axis from the forward axial end face, and the rectangular recess radially extending openly inward from the arcuate peripheral surface into the tool head in a second direction perpendicular to the predetermined axis. (See Application, Page 7, line 32-Page 8, line 20; Page 10, line 27-Page 11, line 6; Page 11, line 34-Page 12, line 19; and Figures 2-6).

Indeed, Figures 1-12 of Klann merely teach a conventional tool 1 for flanging coated brake

pipes of a motor vehicle, which includes a clamping channel for clampingly holding the brake pipe. In particular, the tool 1 includes a basic body 2, which includes a cylindrical head part 3 with an internal thread 4 and a semi-cylindrical recess 5 situated in an axial direction of the basic body 2. The semi-cylindrical recess 5 is further situated behind the cylindrical head part 3. The basic body 2 also includes a receiving groove 7 (what the Office Action analogizes to Applicant's rectangular recess) situated behind the semi-cylindrical recess 5 so that the semi-cylindrical recess 5 is joined to the receiving groove 7. In the area of the recess 5 and the receiving groove 7, the basic body 2 is a semi-cylinder 8 including a curve surface (what the Office Action analogizes to Applicant's arcuate peripheral surface) with a flat parting plane 9 (what the Office Action analogizes to Applicant's planar peripheral surface) in the area of the recess 5 and the receiving groove 7. At one end of the semicylinder 8 is an end portion (what the Office Action analogizes to Applicant's forward axial end face) oriented perpendicular to the receiving groove 7 as well as the recess 5. Importantly, and accordingly, the receiving groove 7, in a cross-section, is a semi-cylindrical shaped receiving groove 7 extending radial from the flat parting plane 9 (again, what the Office Action analogizes as Applicant's planar peripheral surface) inward in a direction toward an inner wall 78 of the receiving groove 7, that is, an inside portion of the arcuate peripheral surface of the semi-cylinder 8. Based on this structural configuration, and contrary to the assertion in the Office Action, the semi-cylindrical shaped receiving groove 7 only extends from the flat parting plane 9 inward toward the inner wall 78 but does not extend openly through to an external portion of the arcuate peripheral surface of the semi-cylinder 8. To be sure, a principle object of the Klann invention is to form, structurally, a clamping channel where the receiving groove 7 receives a brake pipe for clamping by having a clamping jaw 16 screwed onto the parting plane 9 of the basic body 2. Please note, in a separate direction, the receiving groove 7 does axially extend into the basic body 2 along a predetermined axis from the analogized forward

axial end face to the semi-cylindrical recess 5 (See Klann at Abstract; Column 1, lines 5-31; Column 2, lines 30-50; Column 7, lines 4-45; Page 9, lines 38-61; Column 10, lines 45-63; Column 9, lines 53-64; and figures 1-12).

In contrast, and as discussed in the previous amendment of May 17, 2007, Figures 1-6 of Applicant's invention include a rocket tool 10 to load and unload a rocket 15 into a tube 17 where the rocket tool 10 maintains proper alignment and contact with the rocket 15, and does not slip off a surface of the rocket 15 like the conventional technology nor damage an end shield or igniter attachment of the rocket. In particular, the rocket tool 10, includes a tool head 11 and a handle 12. The tool head 11 includes an arcuate peripheral surface 65 having a shape conforming to a segment of a cylinder with a predetermined axis running the length of the cylinder, a planar peripheral surface 67 subtending the arcuate peripheral surface 65 and extending perpendicular to the arcuate peripheral surface 65, a forward axial end face 70 terminating both the arcuate peripheral surface 65 and the planar peripheral surface 67, and a rectangular recess 75. Importantly, the rectangular recess 75 is defined by the tool head 11 and axially extends into the tool head 11 in a first direction along the predetermined axis from the forward axial end face 70. Further, the rectangular recess 75 radially extends openly inward from outside the arcuate peripheral surface 65 in a second direction perpendicular to the predetermined axis, that is, the rectangular recess extends completely through a portion of the arcuate peripheral surface into the interior of the tool head. (See Application above).

Based on this structural configuration, a blast paddle 51 extends across the tube 17 and is situated in a transverse/second position 57 within the rectangular recess 75 with a rocket 15 in its initial position 26. Further, the tool head 11 is inserted into the tube 17 without the tool head engaging the paddle or stop 25, for urging the rocket into its final position 60 by engagement of a forward face 70 with rocket annular face 32, and without the tool 10 slipping from the annular surface and

damaging the rocket. Therefore, the rectangular recess 75 provides the needed alignment of the rocket tool 10 so that a flat surface of the forward face 70 of the tool 10 pushes against the rocket motor 15 in a correct position in a rocket launcher, and thus prevents damage to the rocket motor end shield when loading the rocket. (See Application above).

For emphasis, Applicant discloses that the rectangular recess 75 is configured to axially extend into the tool head 11 in a first direction along the predetermined axis from the forward axial end face 70 and the rectangular recess 75 also radially extends openly inward from the arcuate peripheral surface 65 into the tool head 11 in a second direction perpendicular to the predetermined axis, whereas Klann only teaches, in pertinent part, a semi-cylindrical shaped receiving groove only extends from the flat parting plane inward toward the inner wall of the arcuate peripheral surface not extend openly through an external portion of the arcuate peripheral surface. Therefore, this semi-cylindrical shaped receiving groove is not a rectangular recess shaped configuration as claimed by Applicant.

Finally, this structural distinction is consistent with the focus of Applicant's invention to provide a rocket tool with an alignment feature, which does not damage the rocket motor end shield, whereas Klann is focused on a tool for flanging coated brake pipes and, in particular, forming a clamping channel where the receiving groove receives a brake pipe clamping. An attempt to substitute Klann's closed semi-cylindrical recess for Applicant's open rectangular recess designed to permit easy insertion and removal of a blast paddle 51 would not be a compatible structure, and thus likely fail. (See above).

Therefore, Applicant's invention is a distinct structure compared to the conventional Klann structure. Thus, and using the most recent and more relaxed interpretation of obviousness under KSR v. Teleflex, No. 04-1350, 550 U.S. __ (April 30, 2007), Klann does not disclose, teach or suggest including a rectangular recess being defined by the tool head and axially extending into the tool head

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in a first direction along the predetermined axis from the forward axial end face, and the rectangular recess radially extending openly inward from the arcuate peripheral surface into the tool head in a second direction perpendicular to the predetermined axis. (See above).

Based on the above, the Applicant traverses the assertion that Klann discloses or teaches Applicant's invention of independent claim 5, and related dependent claims 6-10, 15 and 16.

III. Formal Matters and Conclusions

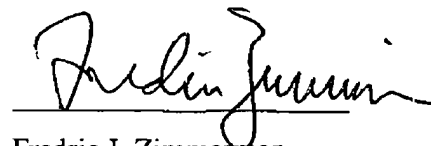
In view of the foregoing, Applicants submit that claims 5-10, 15 and 16, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

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